

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 16 CR. 436 (KMW)

-v- :

STEVEN BROWN, :

Defendant. :

**REPLY AFFIRMATION IN
FURTHER SUPPORT OF MOTION TO
DISMISS FOR LACK OF VENUE OR,
ALTERNATIVELY, TO TRANSFER**

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WALTER MACK, an attorney duly licensed to practice law before the courts of the State of New York and this court, under the penalties of perjury, affirms and states, based upon my review of records and upon information and belief, as follows:

1. I represent the Defendant Steven Brown in the above-captioned matter. I submit this Reply Affirmation in further support of the Motion to Dismiss the Superseding Indictment for Lack of Venue or, Alternatively, to Transfer the Case Pursuant to Fed. R. Crim Procedure 21(b).

2. Attached hereto as Exhibit A is a copy of the February 2012 Wells Fargo bank statement for Mr. Brown's bank account referenced in the Superseding Indictment and in the accompanying Reply Memorandum of Law in Further Support of the Motion to Dismiss for Lack of Venue or, Alternatively, to Transfer.

3. If the Court finds it helpful to resolve the pending Motion to Dismiss for Lack of Venue or Alternatively, to Transfer, the defense is prepared to make an *ex parte* submission to the Court on the financial hardships being suffered by Mr. Brown as a result of the costs associated with defending this case in New York, including the expense of frequent cross-country trips to meet with his defense attorneys and prepare for trial.

4. For all the reasons set forth in Mr. Brown's moving and reply briefs, he requests that the Court grant his Motion to Dismiss the Superseding Indictment for Lack of Venue or, Alternatively, to Transfer the Case.

Dated: New York, New York
February 23, 2018

/s/
Walter Mack, Esq.
Doar Rieck Kaley & Mack
217 Broadway, Suite 707
New York, New York 10007
212-619-3730
Attorney for Defendant Steven Brown

EXHIBIT A

Wells Fargo Opportunity Savings®

Account number: [REDACTED] ■ February 1, 2012 - February 29, 2012 ■ Page 1 of 3



STEVEN J BROWN

[REDACTED]
PALM SPRINGS CA 92264-1613**Questions?**

Available by phone 24 hours a day, 7 days a week:

1-800-TO-WELLS (1-800-869-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2932

華語 1-800-288-2288 (6 am to 7 pm PT, M-F)

Online: wells Fargo.com

Write: Wells Fargo Bank, N.A. (114)

P.O. Box 6995

Portland, OR 97228-6995

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Activity summary

Beginning balance on 2/1	\$0.82
Deposits/Additions	13,325.01
Withdrawals/Subtractions	- 10,235.99
Ending balance on 2/29	\$3,089.84

Account number: [REDACTED]

STEVEN J BROWN

California account terms and conditions apply

For Direct Deposit and Automatic Payments use

Routing Number (RTN): 121042882

Interest summary

Interest paid this statement	\$0.01
Average collected balance	\$2,168.84
Annual percentage yield earned	0.01%
Interest earned this statement period	\$0.01
Interest paid this year	\$0.02
Total interest paid in 2011	\$0.01

Account number: [REDACTED] ■ February 1, 2012 - February 29, 2012 ■ Page 2 of 3



Transaction history

Date	Description	Deposits/ Additions	Withdrawals/ Subtractions	Ending daily balance
2/3	Deposit	2,460.00		2,460.82
2/6	ATM Withdrawal - 02/06 Mach ID 9918G Sec Palm Canyon & Sunr Palm Springs CA 8665 0005107		40.00	
2/6	Withdrawal Made In A Branch/Store		460.00	1,960.82
2/7	Withdrawal Made In A Branch/Store		540.00	1,420.82
2/8	ATM Withdrawal - 02/08 Mach ID 0610D 1300 4th St Santa Monica CA 8665 0009396		100.00	1,320.82
2/9	ATM Withdrawal - 02/09 Mach ID 7943A 1733 E Palm Canyon Rd Palm Springs CA 8665 0005076		200.00	1,120.82
2/10	ATM Withdrawal - 02/09 Mach ID 9974K 5757 Wayne Newton Blvd Las Vegas NV 8665 0004116		100.00	
2/10	ATM Withdrawal - 02/10 Mach ID 79811257 Gca* Treasure Igca* Treaslas Vegas NV 8665 00462041721986256		204.99	
2/10	Non-Wells Fargo ATM Transaction Fee		2.50	
2/10	ATM Withdrawal - 02/10 Mach ID 2369L Sahara & Maryland Park Las Vegas NV 8665 0004395		60.00	753.33
2/14	Deposit	100.00		
2/14	Withdrawal Made In A Branch/Store		400.00	453.33
2/15	Recurring Transfer Ref #Opejvri7Q From Checking xxxxxx8679	25.00		478.33
2/16	ATM Withdrawal - 02/16 Mach ID 9918G Sec Palm Canyon & Sunr Palm Springs CA 8665 0006429		40.00	438.33
2/17	Deposit	40.00		
2/17	Withdrawal Made In A Branch/Store		460.00	18.33
2/21	ATM Transfer to Checking - 02/21 Mach ID 0814A 9354 Wilshire Blvd Beverly Hills CA 8665 0006318		18.00	0.33
2/23	WT Fed#06901 Jpmorgan Chase Ban /Org=Callente Entertainment LLC Srf# 1263100054Es Trn#120223112804 Rfb# Doc of 12/02/23	10,700.00		
2/23	Wire Trans Svc Charge - Sequence: 120223112804 Srf# 1263100054Es Trn#120223112804 Rfb# Doc of 12/02/23		15.00	
2/23	Withdrawal Made In A Branch/Store		1,250.00	9,435.33
2/24	ATM Transfer to Checking - 02/23 Mach ID 9918G Sec Palm Canyon & Sunr Palm Springs CA 8665 0007447		650.00	8,785.33
2/27	Withdrawal Made In A Branch/Store		5,610.00	3,175.33
2/29	ATM Withdrawal - 02/28 Mach ID TX25990 330 West 40th S330 West 4New York NY 8665 00382060155799032		83.00	
2/29	Non-Wells Fargo ATM Transaction Fee		2.50	
2/29	Interest Payment	0.01		3,089.84
Ending balance on 2/29				3,089.84
Totals		\$13,325.01	\$10,235.99	

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.



IMPORTANT ACCOUNT INFORMATION

For customers with Wells Fargo debit, check or ATM cards issued in IN, MN, OH and SD: Starting February 1, 2012, you can begin to use your card to make purchases where you enter your Personal Identification Number (PIN) to authorize your purchase. Refer to the applicable account agreement for more information, or contact the customer service number on your statement.



General statement policies for Wells Fargo Bank

USAO SDNY 0069286